IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No. 920 of 2003

in

SPECIAL CIVIL APPLICATION No. 13258 of 2003

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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REVABEN AMARTBHAI &15 - Petitioner(s)

Versus

AHMEDABAD MUNICIPAL CORPORATION &2 – Respondent(s)

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Appearance :

MR VB GHARANIYA for Petitioner No(s).: 1,2,3,4,5,6,7,
8,9,10,11,12,13,14,15.

NANAVATI &NANAVATI for Respondent No(s).: 1.

NOTICE SERVED for Respondent No(s).: 2.

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CORAM :HONOURABLE MR.JUSTICE R.S.GARG

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date : 06/07/2005

ORAL JUDGMENT (Per : HONOURABLE MR.JUSTICE R.S.GARG)

Heard learned counsel for the parties. The appellants before this Court filed a writ application seeking benefitsof the policy of the corporation whereunder it was decided that a person who has completed five years of service and has worked for 900 days would be entitled to be regularised. Learned SingleJudge while disposing of Special Civil Application No.13258 of 2003 observed that such regularisation would not be automatic, but will have to be considered and when the vacant posts are available such regularisation can be made. Finding that no person junior to the appellants was regularised in services, learned Single Judge rejected the writ application.

1. It is agreed between the parties that except appellant no.10-Dahiben Somabhai, all others have been regularised with effect from 15th August 2004 and they have agreed to withdraw the appeal.
2. Under the circumstances, so far as appellants no.1 to 9 and 11 to 15 are concerned they are bound by the undertaking given by them and they are withdrawingtheir appeal. However, learned counsel for the appellants says that they be given liberty to make a representation to the corporation that period of past service be allowed to be taken into consideration for the purposes of retiral benefits. The appellants would certainly be entitledto make such a representation and the respondents would be obliged to dispose of the same by a speaking order within a period of three months from the date of receipt of the saidrepresentation.
3. So far as appellant no.10 is concerned respondentsundertake that as and when the post is made available she would also be regularised. In view of the fair stand taken by learnedcounsel for respondents we are of the opinion that no interference is called for in the present matter. However, the respondents are hereby directed to consider the case of appellant no.10 immediately on availability of the post. Appellant no.10 is also given liberty to submit a representation. The appeal stands

disposed of.

(R.S. Garg, J.)

(Ravi R. Tripathi, J.)

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